

House Committee on Health and Welfare

Minutes of Meeting
2020 Second Extraordinary Session
October 6, 2020

I. CALL TO ORDER

Representative Lawrence A. "Larry" Bagley, chairman of the House Committee on Health and Welfare, called the meeting to order at 1:00 p.m. in Room 5, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Lawrence A. "Larry" Bagley, chairman
Representative Christopher Turner, vice chairman
Representative Roy Daryl Adams
Representative Kenny R. Cox
Representative Raymond J. Crews
Representative Michael Charles Echols
Representative Julie Emerson
Representative Jason Hughes
Representative C. Travis Johnson
Representative Ed Larvadain III
Representative Wayne McMahan
Representative Dustin Miller
Representative Patricia "Pat" Moore
Representative Robert "Bob" Owen
Representative Thomas A. Pressly
Representative Larry Selders

MEMBERS ABSENT:

Representative Robby Carter
Representative Joseph A. Stagni

STAFF MEMBERS PRESENT:

Shayla Cockerm, attorney
Drew Murray, legislative analyst
Felicie Jackson, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Faye Talbot, sergeant at arms
Danny Leming, sergeant at arms
Angela McKnight, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Concurrent Resolution No. 21 by Representative Wheat**

Representative Wheat presented House Concurrent Resolution No. 21, which requests the La. Dept. of Health to submit documentation to the federal Medicaid agency to provide financial relief for providers of services for people with developmental disabilities.

Representative Pressly offered a motion to report House Concurrent Resolution No. 21 favorably. Without objection, House Concurrent Resolution No. 21 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Resolution No. 1 by Representative Echols

Representative Echols presented House Resolution No. 1, which requests a study of the costs and benefits of setting Medicaid reimbursement rates for primary care services equivalent to Medicare rates for those services.

Representative Crews offered a motion to report House Resolution No. 1 favorably. Without objection, House Resolution No. 1 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 33 by Representative Edmonds

Representative Edmonds presented House Bill No. 33, which provides for access for patients of hospitals and residents of nursing homes, assisted living facilities, and other adult residential care homes to members of the clergy who volunteer to minister and provide religious sacraments and services, counseling, and mental health support during COVID-19 and other public health emergencies.

Greg Waddell, Louisiana Hospital Association, 9521 Brookline Ave, Baton Rouge, LA 70809, 225-333-0800, spoke in support of House Bill No. 33.

Representative Bagley offered amendments in the form of a substitute bill which provides relative to visitation by members of the clergy of patients and residents at certain licensed health facilities during public health emergencies. Representative Bagley offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yeas.

Representative Turner offered a motion to report House Bill No. 33 by substitute. Without objection, House Bill No. 33 was reported by substitute by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yeas.

Witness cards submitted by individuals who did not speak are as follows: 6 in support.

House Concurrent Resolution No. 12 by Representative Miguez

Representative Bagley announced that action on House Concurrent Resolution No. 12, which suspends laws authorizing the La. Department of Health to enforce any restriction imposed on a business or individual through a gubernatorial proclamation during a state of public health emergency, was voluntarily deferred.

House Bill No. 43 by Representative Bacala

Further action was taken by the committee on October 14, 2020, on House Bill No. 43. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 43.

Representative Bacala presented House Bill No. 43, which provides for rights of nursing home residents relative to visitation.

Representative Bagley offered amendments which:

1. Provide that residents of adult residential care provider facilities (“ARCP facilities” known commonly as “assisted living facilities”) shall have the right to be granted immediate access to all of the following persons:
 - (a) Immediate family members, other relatives, and their clergy subject to the resident's right to deny or withdraw consent at any time.
 - (b) Others who are visiting with the consent of the resident, subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time.
2. Provide that ARCP facilities shall allow in-person access to the resident by any authorized person if the person or resident chooses to visit in person.
3. Define "in-person access" and "reasonable restrictions" for purposes of proposed law relative to visitation of ARCP facility residents.
4. Authorize ARCP facilities to ask any visitor who does not comply with reasonable restrictions, or who otherwise endangers the health, safety, or well-being of any resident or staff member, to leave the facility and to prohibit that visitor from future visitation.
5. Provide that a sponsor may act on a resident's behalf to assure that the ARCP does not deny the resident's rights. Provide that no right recognized in regulations adopted in accordance with proposed law relative to ARCP facilities may be waived for any reason.
6. Stipulate that no provision of present law or present administrative code shall be construed to limit an ARCP resident's right to have access to in-person visitation by an immediate family member, other relative, clergy, or any other authorized person visiting the resident with the resident's consent.

Representative Bagley offered a motion to adopt the proposed amendments. After further discussion, Representative Bagley withdrew his motion.

Mark Berger, Louisiana Nursing Association, 7344 Office Park Blvd, Baton Rouge, LA 70809, (225) 927-5642, spoke for information only on House Bill No. 43.

Representative Pressly offered amendments in concept to limit the provisions of the bill to the COVID-19 public health emergency period exclusively. Representative Pressly offered a motion to

adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yea.

Stephen Russo, Louisiana Department of Health, P.O. Box 3836, Baton Rouge, LA 70821, (225) 342-1115, spoke for information only on House Bill No. 43.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr, Alexandria, LA 71309, (318) 449-4348, spoke in opposition to House Bill No. 43 and provided a handout, Exhibit A, which is included in the committee records.

Tracy Melancon, 6559 Blue Rose Dr, Baton Rouge, LA 70817, (225) 241-6384, spoke in support of House Bill No 43.

Representative Hughes offered a motion to voluntarily defer action on House Bill No. 43. Without objection, action on House Bill No. 43 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 for information only. Copies of these statements are included in the committee records.

House Bill No. 52 by Representative Edmonds

Representative Edmonds presented House Bill No. 52, which requires regular reporting of the number of school-age children known to have an infectious disease during a public health emergency relating to the disease.

Theresa Sokol, Louisiana Department of Health, 628 N. 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 52.

Representative Echols offered a motion to report House Bill No. 52 favorably. Without objection, House Bill No. 52 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted yea.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 35 by Representative Echols

Representative Echols presented House Bill No. 35, which authorizes transportation network companies to provide nonemergency medical transportation services through the state Medicaid program and all other publicly and privately issued health insurance plans.

Representative Echols offered amendments which:

1. Delete all references to private health insurance and Medicare plans so that the bill would apply exclusively to the Medicaid program.
2. Provide that any transportation network company licensed by the Dept. of Transportation and Development that contracts with a transportation broker may facilitate nonemergency medical transportation services at any time on or after the effective date of proposed law and before the adoption of administrative rules required by proposed law.
3. Stipulate that nothing shall be construed to authorize a company or individual to violate any provision of R.S. 40:1135.1.
4. Make technical changes.

Representative Echols offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bagley, Turner, Adams, Cox, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, and Selders voted yea.

Michael Boutte, Louisiana Department of Health, 628 N 4th St, Baton Rouge, LA 70802, (225) 342-9509, spoke for information only on House Bill No. 35.

Representative Bagley offered amendments which make technical changes and provide that a qualified transportation network company, or a transportation broker of the company, that wishes to provide nonemergency medical transportation services to Medicaid enrollees by a driver through the company's digital network shall submit to the La. Dept. of Health a valid driver's license and vehicle registration of that driver prior to authorizing the driver to furnish nonemergency medical transportation services to any Medicaid enrollee.

Representative Bagley offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bagley, Turner, Cox, Crews, Echols, Hughes, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, Robert Owen, and Selders voted yea.

Lance Kennedy, Louisiana State Police, 7919 Independence Blvd, Baton Rouge, LA 70806, (225) 614-0360, spoke for information only on House Bill No. 35.

Megan Samples, Lyft, 185 Berry St, #5000, San Francisco, CA 94107, (761) 352-3388, spoke in support of House Bill No. 35.

Tony Crawford, Nonemergency Medical Transportation Provider, 2422 Wisteria St, New Orleans, LA 70122, (504) 729-0529, spoke in opposition to House Bill No. 35.

Francis Heitmeier, Dash Transportation, 3501 Holiday, New Orleans, LA 70114, (504) 289-5519, spoke in opposition to House Bill No. 35.

Representative Turner in the chair.

Representative Bagley in the chair.

Carla Goudia, Mel's Transportation, 2475 St Joseph Ln, Harvey, LA 70058, (504) 267-2000, spoke in opposition to House Bill No. 35.

Melissa Noel, Mel's Transportation, 2475 St Joseph Ln, Harvey, LA 70058, (504) 267-2001, spoke in opposition to House Bill No. 35.

Mike Rome, Louisiana Council on Aging Director's Association, 203 S Elm St, Tallulah, LA 71282, (318) 341-0532, spoke in opposition to House Bill No. 35.

Eric Bradley, Len Transportation, 30235 Eden Church Rd, Denham Springs, LA 70726, (225) 610-3090, spoke in opposition to House Bill No. 35.

Representative Turner in the chair.

Representative Bagley in the chair.

Michael Mitchell, Acadiana Regional Medical Transport, 5826 Johnston St, Lafayette, LA 70503, (337) 258-3826, spoke in opposition to House Bill No. 35.

Representative Crews offered a motion to report House Bill No. 35 with amendments, to which Representative Cox objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas and 8 nays. Representatives Bagley, Turner, Crews, Echols, Emerson, and Hughes voted yea. Representatives Adams, Cox, Travis Johnson, Larvadain, McMahan, Dustin Miller, Moore, and Selders voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 22 in opposition, and 2 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 2 in support. Copies of these statements are included in the committee records.

The committee recessed at 4:19 p.m. The committee reconvened at 6:41 p.m.

House Bill No. 13 by Representative McCormick

Representative McCormick presented House Bill No. 13, which requires that any communication issued to students or parents relative to immunization requirements include information on exemptions from compliance with such requirements.

Stacy Hall, Office of Public Health, 1450 Poydras St, Ste 1938, New Orleans, LA 70112, (504) 232-9622, spoke for information only on House Bill No. 13.

Jenni Smith, House District #1, P.O. Box 160, Oil City, LA 71061, (318) 995-8040, spoke for information only on House Bill No. 13.

Jill Hines, Health Freedom Louisiana, 1307 Mesa Ave, Ruston, LA 71270, (904) 318-6018, spoke in support of House Bill No. 13.

Brittany Sherlin, Health Freedom Louisiana, 15402 Red Maple Pl, Greenwell Springs, LA 70739, (985) 377-3835, spoke in support House Bill No. 13.

Stephen Wright, Louisiana Bio, 695 Kiskatom Ln, Mandeville, LA 70471, (318) 663-3810, spoke in opposition to House Bill No. 13.

Representative Crews offered a motion to report House Bill No. 13 favorably, to which Representative Travis Johnson objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 3 yeas, 9 nays, and 1 abstention. Representatives Crews, Echols, and McMahan voted yea. Representatives Turner, Cox, Hughes, Travis Johnson, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted nay. Representative Bagley abstained.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 8 in opposition. Witness cards are included in the committee records.

Representative Bagley announced that there were over 1800 "robo" emails with identical language received in support of House Bill No. 13.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 6 in support and 11 in opposition. Copies of these statements are included in the committee records.

House Bill No. 49 by Representative McCormick

Representative McCormick presented House Bill No. 49, which provides for immunizations or vaccinations relative to COVID-19.

Stacy Hall, Office of Public Health, 1450 Poydras St, Ste 1938, New Orleans, LA 70112, (504) 232-9622, spoke for information only on House Bill No. 49.

Jill Hines, Health Freedom Louisiana, 1307 Mesa Ave, Ruston, LA 71270, (904) 318-6018, spoke in support of House Bill No. 49.

Stephen Wright, Louisiana Bio, 695 Kiskatom Ln, Mandeville, LA 70471, (318) 663-3810, spoke in opposition to House Bill No. 49.

Representative Crews offered a motion to report House Bill No. 49 favorably, to which Representative Hughes objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 2 yeas, 11 nays, and 1 abstention. Representatives Crews and Emerson voted yea. Representatives Turner, Cox, Echols, Hughes, Travis Johnson, McMahan, Dustin Miller, Moore, Robert Owen, Pressly, and Selders voted nay. Representative Bagley abstained.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 17 in opposition, and 1 for information only. Witness cards are included in the committee records.

Representative Bagley announced that there were over 1800 "robo" emails with identical language received in support of House Bill No. 49.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 7 in support and 11 in opposition. Copies of these statements are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Chairman Lawrence A. "Larry" Bagley
House Committee on Health and Welfare

Date adopted: April 27, 2021